

JAP:NR

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**M-11-871**

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UNITED STATES OF AMERICA

COMPLAINT AND AFFIDAVIT  
IN SUPPORT OF APPLICATION  
FOR ARREST WARRANT

- against -

RICHARD ORTIZ

(18 U.S.C § 751(a))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

THOMAS JACK, being duly sworn, deposes and states that he is a Deputy United States Marshal duly appointed according to law and acting as such.

Upon information and belief, on or about Friday, August 19, 2011, within the Eastern District of New York and elsewhere, the defendant RICHARD ORTIZ, having been convicted of an offense, did knowingly and intentionally escape from the custody of the Attorney General or his authorized representative.

(Title 18, United States Code, Section 751(a)).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

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<sup>1/</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware. In addition, when I rely on statements made by others, such statements are set forth in part and in substance unless otherwise indicated.

1. On or about October 30, 2007, the defendant RICHARD ORTIZ was sentenced by Judge Katharine S. Hayden of the United States District Court for the District of New Jersey to a term of 62 months' imprisonment and remanded to the custody of the Attorney General of the United States. The defendant was sentenced in connection with being a felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1).

2. On or about August 19, 2011 the defendant RICHARD ORTIZ was in custody at the Brooklyn Residential Reentry Center ("BRRC"). The defendant's term of custody was scheduled to be completed on October 26, 2011.

3. On or about August 19, 2011, the deponent and Deputy U.S. Marshall Remigiusz arrived at the BRRC to remand RICHARD ORTIZ into custody at the Metropolitan Detention Center ("MDC") pursuant to a violation reported by the Community Correction Manager at the BRCC. The violation was related to RICHARD ORTIZ's failure to provide a urine sample and to take part in other substance abuse testing.

4. RICHARD ORTIZ was brought into a room in the BRRC where the deponent and Deputy U.S. Marshall Remigiusz were waiting. The defendant was informed that he was going to be remanded to the MDC.


5. At this point, RICHARD ORTIZ pushed the two BRRC employees in the room out of the way and ran to the building's second floor. He jumped out a second-story window and landed on the back side of the building. He then climbed over a razor-wire fence and fled on foot.

6. The deponent and Deputy U.S. Marshall Remigiusz pursued RICHARD ORTIZ who ran into a nearby factory.

7. The deponent and Deputy U.S. Marshall Remigiusz pursued RICHARD ORTIZ through three different doors in the factory and, during the course of the pursuit, announced their identity and gave verbal commands for RICHARD ORTIZ to stop.

8. The deponent and Deputy U.S. Marshall Remigiusz followed RICHARD ORTIZ into a room with no other means of egress. The defendant began to grab at pipes hanging above his head and disregarded commands to cease his activity. At this point, the deponent deployed his projectile stun gun and subdued RICHARD ORTIZ, who was taken into custody.

WHEREFORE, your deponent respectfully requests that a warrant issue for the arrest of the defendant RICHARD ORTIZ so that he may be dealt with according to law.

  
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THOMAS JACK  
Deputy Marshal  
U.S. Marshals Service

Sworn to before me this  
24th day of August, 2011

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THE HONORABLE CHERYL L. POLLAK  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK